



File

DOCKET NO: **D00460.70010US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David R. Whitlock
Serial No: 10/573,513
Confirmation No: 3543
Filed: March 27, 2006
For: METHODS OF USING AMMONIA OXIDIZING
BACTERIA

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 4th day of June, 2007.

Nancy Kelly

Nancy Kelly

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement, PTO-Form 1449; and references cited;
- ☒ Post card.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 395-7000.

If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 50/2762.

Respectfully submitted,
David R. Whitlock, Applicant

By: *Lisa E. Winsor*

John N. Anastasi, Reg. No. 37,765
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Date: June 4, 2007



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Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

Serial No.: 10/573,513
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Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Our Ref.</u>
10/332,933	1/14/03	David Whitlock	D0450-7006US
10/501,415	7/9/04	David Whitlock	D0460-7011US

Copies of the above are attached as International Publication Nos. WO 02/13982 A1 and WO 03/057380 A2.

The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International or Foreign National Application.

The applicant would like to bring to the Examiner's attention the following other information, whose relevance is discussed in Part IV below:

Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

WO 98/27991 – Appears to be directed to an adsorbable composition containing propionic bacteria. An English language translation is enclosed.

JP 02-169092 – Appears to be directed to an immediate-effective urolith dissolving agent. An English language abstract is enclosed.

JP-58-011008 – Appears to be directed to a stock compound for feed additive containing active soil bacteria. An English language abstract is enclosed.

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

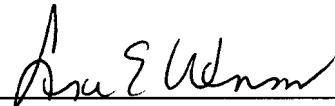
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Conf. No.: 3543

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Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
David R. Whitlock, Applicant

By: 

John N. Anastasi, Reg. No. 37,765
Lisa E. Winsor, Reg. No. 44,405
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Date: June 4, 2007

FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/332,933	ATTY. DOCKET NO.: D00460.70006.US
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: January 14, 2003	CONFIRMATION NO.: 2900
		APPLICANT: David R. Whitlock	
		GROUP ART UNIT: 1744	EXAMINER: Not yet assigned
Sheet	1	Of	5

U.S. PATENT DOCUMENTS					
Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	*	3,984,575		Farr	10-05-1976
	*	4,147,807		Gryczka et al.	04-03-1979
	*	4,335,107		Snoeyenbos et al.	06-15-1982
	*	4,689,226		Nurmi et al.	08-25-1987
	*	4,720,344		Ganczarczyk et al.	01-19-1988
	*	5,139,792		Ware et al.	08-18-1992
	*	5,176,911		Tosi et al.	01-05-1993
	*	5,278,192		Fung et al.	01-11-1994
	*	5,314,542		Cassidy et al.	05-24-1994
	*	5,322,686		Grahn et al.	06-21-1994
	*	5,380,758		Stamler et al.	01-10-1995
	*	5,385,940		Moskowitz	01-31-1995
	*	5,396,882		Zapol	03-14-1995
	*	5,427,797		Frostell et al.	06-27-1995
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	*	5,574,068		Stamler et al.	11-12-1996
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	*	5,693,676		Gorfine	12-02-1997
	*	5,713,349		Keaney	02-03-1998
	*	5,714,511		Saavedra et al	02-03-1998
	*	5,721,278		Garfield et al.	02-24-1998
EXAMINER			DATE CONSIDERED		

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/332,933, filed 1/14/03, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/332,933		ATTY. DOCKET NO.: D00460.70006.US	
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		Number	Kind Code		
	*	5,725,492		Igo et al.	03-10-1998
	*	5,728,705		Lawson et al.	03-17-1998
	*	5,765,548		Perry	06-16-1998
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	*	5,789,447		Wink, Jr. et al.	08-04-1998
	*	5,800,385		Demopulos et al.	09-01-1998
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	*	5,807,546		Stern et al.	09-15-1998
	*	5,814,656		Saavedra et al.	09-29-1998
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	*	5,821,112		Botto et al.	10-13-1998
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	*	5,849,180		Sumino et al.	12-15-1998
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	*	5,858,017		Demopulos et al.	01-12-1999
	*	5,861,168		Cooke et al.	01-19-1999
	*	5,873,359		Zapol et al.	02-23-1999
	*	5,891,472		Russell	04-06-1999
	*	5,895,658		Fossel	04-20-1999
	*	5,900,433		Igo et al.	05-04-1999
	*	5,904,938		Zapol et al.	05-18-1999
	*	5,910,316		Keefer et al.	06-08-1999
	*	5,910,482		Yallampalli et al.	06-08-1999
	*	5,912,019		Singh	06-15-1999
	*	5,958,427		Salzman et al.	09-28-1999
	*	5,994,444		Trescony et al.	11-30-1999
	*	6,045,827		Russell	04-04-2000
	*	6,056,966		Selim et al.	05-02-2000
	*	6,057,367		Stamler et al.	05-02-2000
	*	6,063,407		Zapol et al.	05-16-2000
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		Number	Kind Code		
	*	6,080,401		Reddy et al.	06-27-2000
	*	6,087,087		Yonetani et al.	07-11-2000
	*	6,087,479		Stamler et al.	07-11-2000
	*	2005/0036996		Roussel et al.	02-17-2005

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Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		JP	59 135845		Souhei Sawamura	08-04-1984	Abstract
		EP	0 780 419		Holland Biomaterials Group B.V.	06-25-1997	
		WO	98/27991		Laboratoires Standa S.A.	07-02-1998	Yes
		JP	02 169092 A		Mitsubishi Mining & Cement Co.	06-29-1990	Abstract

OTHER ART — NON PATENT LITERATURE DOCUMENTS					
Examiners Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.			Translation (Y/N)
		Boulay, F. et al.; "Seasonal Variation in Chronic Heart Failure Hospitalizations and Mortality in France"; Circulation, July 20, 1999, pp. 280-286			

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OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
		Wittenberg, J.B.; "The Molecular Mechanism of Hemoglobin-facilitated Oxygen Diffusion", The Journal of Biological Chemistry, Vol. 241, No. 1, Issue of January 10, 1965, pp. 104-114		
		Lee, I et al.; "Physical Activity and Stroke Incidence"; The Harvard Alumni Health Study, October 1998; pp. 2049-2054		
		Poth, M.; "Dinitrogen Production from Nitrite by a <i>Nitrosomonas</i> Isolate", Applied and Environmental Microbiology, Oct. 1986, p. 957-959		
		Benjamin, N. et al.; "Nitric Oxide and Infection", edited by Fang; Klumer Academic Press, Plenum Publisher, NY, 1999, Chapter 11, pp. 215-230		
		Starr, M.P. et al. eds. "Prokaryotes, Volume I (Springer-Verlag, Berlin 1981) pp. 1005-1022		
		Mannick, J.B. et al.; "S-Nitrosylation of mitochondrial caspases"; The Journal of Cell Biology, Vol. 154, No. 6, 9/17/2001, pp. 1111-1116		
		Torok, N.J. et al.; "Nitric Oxide Inhibits Apoptosis Downstream of Cytochrome c Release by Nitrosylating Caspase", Cancer Research 62, 1648-1653, March 15, 2002		
		Nunomura, A. et al.; "RNA Oxidation is a Prominent Feature of Vulnerable Neurons in Alzheimer's Disease", The Journal of Neuroscience, March 15, 1999, 19(6): 1959-1964		
		Stamler, J.S. et al.; "Blood Flow Regulation by S-Nitrosohemoglobin in the Physiological Oxygen Gradient", Science, Vol. 276, 27 June 1997, pp.2034-2037		
		Kosaka, H.; "Nitric oxide and hemoglobin interactions in the vasculature," BBA 1411 (1999), 370-377.		
		Suh, Guk-Hee et al.; "A review of the epidemiological transition in dementia-cross-national comparisons of the indices related to Alzheimer's disease and vascular dementia", Acta Psychiatr Scand 2001: 104:4-11		
		Bock et al., "Oxidation of Inorganic Nitrogen Compounds as Energy Source", In: The Prokaryotes. A Handbook on the Biology of Bacteria: Ecophysiology, Isolation, Identification, Applications. Edited by Balows et al. Springer-Verlag. Second Edition. 1992, Vol I. Chapter 17, pages 414-417.		
		Head, I.M. et al., 1993. The Phylogeny of Autotrophic Ammonia-Oxidizing Bacteria as Determined by Analysis of 16s Ribosomal RNA Gene Sequences.		

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OTHER ART — NON PATENT LITERATURE DOCUMENTS

		International Search Report for PCT/US04/31690, dated October 2, 2006.		
		International Search Report for PCT/US01/25248, dated October 30, 2001.		
		International Search Report for PCT/US03/0095		
		Supplementary European Search Report for EP 01 96 3935, dated July 27, 2004.		
		Ida, et al, "Identification of Genus Nitrososivbrio, Ammonia-Oxidizing Bacteria, by Comparison of N-Terminal Amino Acid Sequence of Phosphoglycerate Kinase," , Journal of Bioscience and Bioengineering, Vol. 98, No. 5, 380-383, 2004.		
		attc.org/common/catalog/wordSearch/results.cfm, total of 4 pages.		
		Brochures for Ultra Bac from ABI, Inc., Cleveland, OH		

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